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S.R.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/208,696 12/10/98 SEKINE

Y RM. HPK

EXAMINER

QM12/1226

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660 WOODWARD AVENUE
SUITE 1525
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COLLINS, D

ART UNIT

PAPER NUMBER

3711

DATE MAILED:

#12
12/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/208,696

Applicant(s)

Yasuyuki Sekine

Examiner

Dolores R. Collins

Group Art Unit

3711



☒ Responsive to communication(s) filed on Dec 12, 2000

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 11

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sankyo K.K..

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Sankyo discloses, as his invention, a slot machine. In his slot machine he teaches a display that has 2 or more identical symbols appearing serially, as shown in the main figure of his invention.

Sankyo discloses the claimed (display) invention with the exception of the teaching of 2 or more identical special symbols in all three columns. It would be obvious to one of ordinary skill in the art at the time of the invention to duplicate the teaching of 2 or more identical special symbols shown in the right and left columns (drums) as shown in the aforementioned figure, since it has been broadly held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Additionally, the serially appearing symbols of Sankyo's disclosure could be considered special for the purpose of this invention.

Alternatively,

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sankyo K.K.K. in view of Murphy et al.

Murphy discloses a Coin Or Token Operated Amusement Device. His device clearly shows a singular presentation of a plurality of symbols (see figure 2).

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It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the machine of Sankyo to include a singular presentation of a plurality of symbols. The motivation for such would be to add excitement for the players.

Response to Arguments

5. Applicant's arguments filed 9/14/2000 have been fully considered but they are not persuasive. Applicant's arguments are predominantly based on whether a symbol is special or not. Identification or the labeling of a symbol is a matter of choice. Even though applicant does not consider the 'Melon' to be special, it could be if designated to be so. Examiner therefore feels that any symbol occurring serially may be special (by choice).

6. Applicant argues that "Melon" is 'shown twice in successions of four representations' therefore it cannot be considered special. Examiner disagrees with that posture since it is still a matter of design choice, however, the patent to Murphy et al. clearly overcomes the limitation of a "singular presentation of any of a plurality of symbols" (see figure 2).

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Conclusion

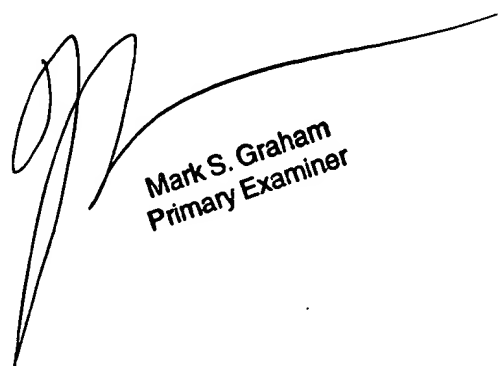
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Murphy et al., Hooker, Kimura, Olympia and Kabushiki Kaisha Ace Denken are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Dolores R. Collins*** whose telephone number is (703) 308-8352 . The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***Jeanette Chapman***, can be reached on (703) 308-1310. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579 .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the ***receptionist*** whose telephone number is (703) 308-1148.


12/22/00


Mark S. Graham
Primary Examiner